

<p style="text-align: center;"><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	<p>Policy Number</p> <p style="text-align: center;">28-01-09</p> <p>Date Filed</p> <p style="text-align: center;">January 12, 2005</p>	<p>Total Pages</p> <p style="text-align: center;">3</p> <p>Effective Date</p> <p style="text-align: center;">May 26, 2005</p>
<p>Authority/References</p> <p>KRS 196.035, 196.075, 439.070(2), 439.480(1) and (7), 439.510, 532.050(1), (2) and (4), <i>Commonwealth v. Bush</i> 740 S.W. 2d 943 (KY. 1987)</p>	<p>Subject</p> <p style="text-align: center;"><b>RELEASE OF INFORMATION OF FACTUAL CONTENT ON PRESENTENCE OR POSTSENTENCE INVESTIGATION DOCUMENTS</b></p>	

## I. DEFINITION

As used in this document, the following definitions apply:

"Factual content" means all information contained within the PSI which is not confidential, opinionated, nor comments of a personal and nonfactual nature.

## II. POLICY and PROCEDURE

### A. Contents of the PSI

An inmate shall be allowed to view the factual content of a waived PSI used in classification if the offender has requested the opportunity to inspect this information through the Open Records Act. The factual contents of a waived PSI used in classification may be viewed by the inmate one (1) time.

The PSI shall include:

1. An analysis of the history of the delinquency or criminality,
2. Physical and mental condition,
3. Family situation and background,
4. Economic status,
5. Education,
6. Occupation,
7. Personal habits, and
8. Additional information as required by the court or Deputy Commissioner.

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B. Request to View Factual Information

1. The inmate shall specifically request the factual content information by indicating the offense, year, and county. Any further identifying information like the indictment number may be included in ascertaining the correct document.
2. The Offender Records Specialist (ORS) shall respond to the inmate's written request as required by KRS 197.025(7), by acknowledging receipt and shall assign the request to the District supervisor or designee of the Probation and Parole officer who initially prepared the document.
3. If the original PSI officer is no longer available, the District supervisor or his designee shall assign the request to another Probation and Parole officer.

C. Presentence Investigation Preparer

1. After receipt of notification from the ORS, the Probation & Parole officer shall have five (5) business days to review the waived PSI used in classification and respond to the inmate's specific request.
2. Upon review of the waived PSI used in classification, the officer shall edit contents which are confidential, opinionated, or of a personal and nonfactual nature.
3. Upon completion of the review and editing of the waived PSI used in classification, the officer shall allow the inmate to inspect the edited document. The inmate shall not be given a copy of the PSI.
4. After reviewing the information from the Probation and Parole officer, the inmate shall sign and date that he has viewed the factual contents of the waived PSI used in classification and he understands that he has five (5) working days in which to appeal the contents. The inmate's response shall be submitted to the officer in writing.
  - a. If the inmate agrees with the factual content of the waived PSI used in classification, the request has been fulfilled and the process has been completed.
  - b. If the inmate disagrees with the factual content of the waived PSI used in classification and has submitted his objections to the report in writing within five (5) working days, the officer who originally wrote the PSI shall review the content of the PSI in question. The officer assigned this task shall have thirty (30) working days upon receipt in which to respond to the inmate's objections and return

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the response to the inmate with a copy to the District Supervisor or designee and Offender Information.

If for any reason the request cannot be responded to within thirty (30) working days from receipt, a letter stating the reason for the delay shall be written to the inmate with a copy to the District Supervisor or designee.

The written request and response shall be placed in the inmate's institutional file.

D. Transfers

1. The Offender Records Specialist shall notify the officer immediately upon transfer of any offender who has requested to view the factual content of the PSI used in classification.
2. The officer shall complete the editing of the waived PSI used in classification and forward it to the inmate at the receiving institution.
3. In any case when the inmate is paroled or shock probated and is under supervision in the state of Kentucky, the process shall be continued as if transferred, and the case material shall be sent to the supervising officer.